

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:  
KENNETH JOSEPH LETO ET AL.

CASE NO.: BB1057 US CNT

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HEREWITH

EXAMINER: UNKNOWN

FOR: CORN PLANTS AND PRODUCTS WITH  
IMPROVED OIL COMPOSITION

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is submitted to facilitate prosecution of the above-identified application.

In the Specification:

Kindly insert the following on page 11 after line 31:

BIOLOGICAL DEPOSIT

Cultures of the following biological materials have been deposited with the following international depository(ies):

American Type Culture Collection (ATCC)  
10801 University Boulevard, Manassas, VA 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

Identification of Organism	International Depository Accession	
	Number	Date of Deposit
Corn Kernels; Kernels of <i>Zea may L.</i> , B73ol	97026	January 19, 1995
Corn Kernels; Kernels of <i>Zea mays</i> <i>L.</i> , AEC27-2ol	97027	January 19, 1995
Corn Kernels; Kernels of <i>Zea mays</i> <i>L.</i> , ASKC28ol	97042	January 27, 1995

1002227 "ST42200"

**In the Claims:**

Kindly cancel claims 2-8 and 10-34.

Kindly amend the following claim:

9. (once amended) A high oleic corn inbred line designated AEC272OL which bears ATCC accession number 97027.

Kindly add the following new claims:

--35. (new) Sec of the corn inbred line designated AEC272OL which bears ATCC accession number 97027.

36. Progeny plants and plant parts produced from any pedigree derived from the corn line of claim 9 wherein said plants and plant parts have high oleic characteristics of high oleic corn inbred line designated AEC272OL which bears ATCC accession number 97027. –

**Remarks**

This case is a continuation application under 37 C.F.R. §1.53 (b) of Application No. 09/303,917 filed May 3, 1999, which is a divisional application of Application No. 08/696,079 filed August 13, 1996 (allowed) and a continuation of PCT Application No. US95/02076 filed February 15, 1995, which is a continuation of Application No. 08/196,622 filed February 15, 1994, now abandoned.

Claim 1 has been retained for purposes of continuity and will be cancelled upon entry of this Preliminary Amendment. Claim 9 has been amended to address the concern raised in the Advisory Action dated November 20, 2001 (Paper No. 10) issued in connection with Application No. 09,303, 917. Support for this can be found in the specification on page 11 at lines 24-31 and Example in 2.

Claims 35 and 36 are new. Support for these claims can be found in the specification on page 11 at lines 24 – 31 and in the claims as originally filed. Thus, no new matter has been added.

The specification has been amended to add the Biological Deposit Information. A Declaration of Biological Culture Deposit and a copy of the deposit receipt accompany this preliminary amendment.

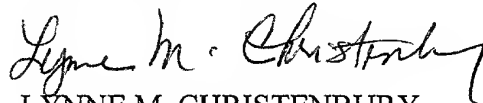
A marked-up version of the claims is attached as a separate page to this preliminary amendment and is entitled “Version With Markings To Show Changes Made.” Also enclosed are an Information Disclosure Statement setting forth all references cited in connection with

“Docket # 9742001”

the above-identified applications of which priority is claimed and a Petition for a Three (3) Month Extension of Time.

Please charge any fees which are required in connection with the filing of this Preliminary Amendment, Extension of Time and Information Disclosure Statement to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company). If the fee is insufficient or incorrect, please charge or credit the balance to the above-identified deposit account.

Respectfully submitted,



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Dated: Dec 20, 2001

100246-2001

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In showing the changes, deleted material is shown as bracketed, and inserted material is shown underlined.

**IN THE SPECIFICATION:**

Kindly insert the following on page 11 after line 31:

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<u>Identification of Organism</u>	<u>International Depository Accession</u>	<u>Date of Deposit</u>
	<u>Number</u>	
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., B73ol</u>	<u>97026</u>	<u>January 19, 1995</u>
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., AEC27-2ol</u>	<u>97027</u>	<u>January 19, 1995</u>
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., ASKC28ol</u>	<u>97042</u>	<u>January 27, 1995</u>

**IN THE CLAIMS**

Kindly cancel claims 2-8 and 10-34.

Kindly amend the following claim:

9. (once amended) A high oleic corn inbred line designated AEC272OL which bears [the] ATCC accession number 97027.

Kindly add the following new claims:

35. (new) Seed of the corn inbred line designated AEC272OL which bears ATCC accession number 97027.

36. Progeny plants and plant parts produced from any pedigree derived from the corn line of claim 9 wherein said plants and plant parts have high oleic characteristics of high oleic corn inbred line designated AEC272OL which bears ATCC accession number 97027.

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